

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 24305 Permit 17720 License

ORDER DIRECTING DIVISION OF PERMIT

WHEREAS:

1. Permit 17720 was issued to Nadine Brown on September 14, 1970 pursuant to Application 24305.
2. Permit 17720 was subsequently assigned to Vivette and Company dba Saintsbury.
3. A request for issuance of separate permits to cover permittees respective interest in Permit 17720 has been filed with the State Water Resources Control Board (SWRCB).
4. The SWRCB has determined that such a division of permit and issuance of separate permits does not constitute the initiation of a new right nor operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit 17720 be replaced by Permit 17720A issued to Vivette and Company dba Saintsbury and Permit 17720B issued to Heubleiu Inc. dba Bealieu Vineyard.
2. Permit 17720 is hereby revoked upon issuance of Permits 17720A and 17720B.
3. Separate permits be issued as follows:
 - A. Permit: 17720A (Application 24305A)
Owner: Vivette and Company dba Saintsbury
c/o Drew Aspegren
176 Main Street, Suite B
St. Helena, CA 94574
Source: Unnamed Stream (aka Buhman Creek) tributary to Napa River
thence San Pablo Bay
Use: Irrigation
Amount: 25 acre-feet
Season: November 1 to March 15
Point of
Diversion: South 2,150 feet and East 1,950 feet from NW corner of
projected Section 20, T5N, R4W, MDB&M, being within SE $\frac{1}{4}$
of NW $\frac{1}{4}$ of said Section 20, also described as California
Coordinate System, Zone 2, N 218,300 and E 1,906,200.
Offstream
Storage Rate: 3 cubic feet per second
Place of Use: A total of 40 acres as follows:


five acres, within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section
20; five acres, within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected
Section 20 and 15 acres within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of
projected Section 20, and 15 acres within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$
of projected Section 17, all within T5N, R4W, MDB&M, as
shown on a map on file with the State Water Resources
Control Board.

- B. Permit: 17720B (Application 24305B)
Owner: Heublein, Inc., dba Bealieu Vineyard
100 St. Helena Highway
St. Helena, CA 94574
Source: Unnamed Stream (aka Buhman Creek) tributary to Napa
River thence San Pablo Bay
Use: Irrigation
Amount: 24 acre-feet
Season: November 1 to March 15
Point of
Diversion: South 2,150 feet and East 1,950 feet from NW corner of
projected Section 20, T5N, R4W, MDB&M, being within the
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 20, also described as
California Coordinate System, Zone 2, N 218,300 and
E 1,906,200.
Offstream storage
Rate: 27 cubic feet per second
Place of
Use: A total of 80 acres of follows:

20 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, 30 acres within the SE $\frac{1}{4}$
of NW $\frac{1}{4}$ and 30 acres within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected
Section 20, T5N, R4W, MDB&M, as shown on a map on file
with the State Water Resources Control Board.
4. Permits 17720A and 17720B shall contain all other terms and conditions
presently in Permit 17720 or updated terms to reflect present State Water
Board policy.

SEPTEMBER 30 1994

Dated:


✓ Edward C. Aston, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 24305 Permit 17720 License

ORDER DIRECTING DIVISION OF PERMIT

WHEREAS:

1. Permit 17720 was issued to Nadine Brown on September 14, 1970 pursuant to Application 24305.
2. Permit 17720 was subsequently assigned to Vivette and Company dba Saintsbury.
3. A request for issuance of separate permits to cover permittees respective interest in Permit 17720 has been filed with the State Water Resources Control Board (SWRCB).
4. The SWRCB has determined that such a division of permit and issuance of separate permits does not constitute the initiation of a new right nor operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

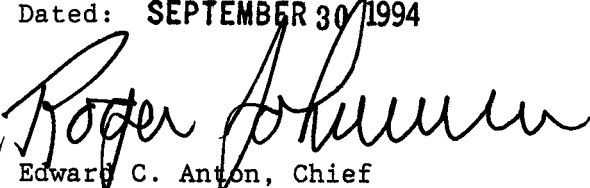
1. Permit 17720 be replaced by Permit 17720A issued to Vivette and Company dba Saintsbury and Permit 17720B issued to Heubleiu Inc. dba Bealieu Vineyard.
2. Permit 17720 is hereby revoked upon issuance of Permits 17720A and 17720B.
3. Separate permits be issued as follows:
 - A. Permit: 17720A (Application 24305A)
Owner: Vivette and Company dba Saintsbury
c/o Drew Aspegren
176 Main Street, Suite B
St. Helena, CA 94574
Source: Unnamed Stream (aka Buhman Creek) tributary to Napa River
thence San Pablo Bay
Use: Irrigation
Amount: 25 acre-feet
Season: November 1 to March 15
Point of
Diversion: South 2,150 feet and East 1,950 feet from NW corner of
projected Section 20, T5N, R4W, MDB&M, being within SE¼
of NW¼ of said Section 20, also described as California
Coordinate System, Zone 2, N 218,300 and E 1,906,200.
Offstream
Storage Rate: 3 cubic feet per second
Place of Use: A total of 40 acres as follows:

five acres, within the SW¼ of NE¼ of projected Section
20; five acres, within the NE¼ of NW¼ of projected
Section 20 and 15 acres within the NW¼ of NE¼ of
projected Section 20, and 15 acres within the SE¼ of SW¼
of projected Section 17, all within T5N, R4W, MDB&M, as
shown on a map on file with the State Water Resources
Control Board.

- B. Permit: 17720B (Application 24305B)
Owner: Heublein, Inc., dba Bealieu Vineyard
100 St. Helena Highway
St. Helena, CA 94574
Source: Unnamed Stream (aka Buhman Creek) tributary to Napa
River thence San Pablo Bay
Use: Irrigation
Amount: 24 acre-feet
Season: November 1 to March 15
Point of
Diversion: South 2,150 feet and East 1,950 feet from NW corner of
projected Section 20, T5N, R4W, MDB&M, being within the
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 20, also described as
California Coordinate System, Zone 2, N 218,300 and
E 1,906,200.
Offstream storage
Rate: 27 cubic feet per second
Place of
Use: A total of 80 acres of follows:

20 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, 30 acres within the SE $\frac{1}{4}$
of NW $\frac{1}{4}$ and 30 acres within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected
Section 20, T5N, R4W, MDB&M, as shown on a map on file
with the State Water Resources Control Board.
4. Permits 17720A and 17720B shall contain all other terms and conditions
presently in Permit 17720 or updated terms to reflect present State Water
Board policy.

Dated: SEPTEMBER 30 1994


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24305 PERMIT 17720 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 17720 was issued to Nadine E. Brown on September 14, 1979 pursuant to Application 24305.
2. Permit 17720 was subsequently assigned to Vivette and Company, dba Saintsbury.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

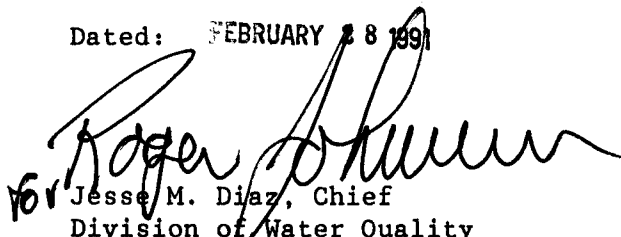
1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

Dated: FEBRUARY 28 1991


Jesse M. Diaz, Chief
Division of Water Quality
And Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24305

PERMIT 17720

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1988 (0000009)

2. Paragraph 10 of this permit is deleted. A new Paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JULY 6 1985

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17720

Application 24305 of Nadine E. Brown

4254 Old Sonoma Road, Napa, California 94558

filed on February 26, 1973, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Stream (aka Buhman Creek)

Napa River thence

San Pablo Bay

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<u>Diversion to Storage</u> <u>S1550 ft and E1700 ft from NW Corner</u> <u>of Projected Section 20</u>	<u>SE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>20</u>	<u>5N</u>	<u>4W</u>	<u>MD</u>
<u>Storage and Rediversion</u> <u>S2500 ft and E2750 ft from NW Corner</u> <u>of Projected Section 20</u>	<u>SW$\frac{1}{4}$ of NE$\frac{1}{4}$</u>	<u>20</u>	<u>5N</u>	<u>4W</u>	<u>MD</u>

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
<u>Stockwatering</u>	<u>Nadine Brown Reservoir in</u> <u>SE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>20</u>	<u>5N</u>	<u>4W</u>	<u>MD</u>	
<u>Frost Protection</u>						
<u>Irrigation</u>	<u>SW$\frac{1}{4}$ of NE$\frac{1}{4}$</u>	<u>20</u>	<u>5N</u>	<u>4W</u>	<u>MD</u>	<u>25</u>
	<u>SE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>20</u>	<u>5N</u>	<u>4W</u>	<u>MD</u>	<u>30</u>
	<u>NE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>20</u>	<u>5N</u>	<u>4W</u>	<u>MD</u>	<u>35</u>
	<u>NW$\frac{1}{4}$ of NE$\frac{1}{4}$</u>	<u>20</u>	<u>5N</u>	<u>4W</u>	<u>MD</u>	<u>15</u>
	<u>SE$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>17</u>	<u>5N</u>	<u>4W</u>	<u>MD</u>	<u>15</u>
					<u>Total</u>	<u>120</u>

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 49 ACRE-FEET PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO MARCH 15 OF THE SUCCEEDING YEAR.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 30 CUBIC FEET PER SECOND.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

~~XXXXXX construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence and if not so continued and prosecuted this permit may be revoked~~

~~XX Said construction work shall be completed on or before~~

7. ~~XX~~ Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1983. (0000009)

8. ~~XX~~ Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

9. ~~XX~~ Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. ~~XX~~ Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

11. ~~XX~~ The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ANY APPROPRIATE CONDITIONS AT SOME FUTURE DATE TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (0000020)

13. IF ANY ITEMS OF CULTURAL, HISTORICAL OR ARCHEOLOGICAL VALUE ARE DISCOVERED DURING CONSTRUCTION OF THE PROJECT, THE CHIEF OF THE DIVISION OF WATER RIGHTS SHALL BE NOTIFIED AND CONSTRUCTION SHALL BE HALTED UNTIL APPROPRIATE MITIGATION MEASURES CAN BE DETERMINED. (0380500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: SEPTEMBER 14 1979

STATE WATER RESOURCES CONTROL BOARD

M. A. Dando
CHIEF, DIVISION OF WATER RIGHTS